

CHAPTER 19:

JUVENILE SEXUAL OFFENDERS, ASSESSMENT, AND TREATMENT

**Juvenile Probation Officer and Caseworker
Self-Instructional Manual**

JUVENILE PROBATION OFFICER AND CASEWORKER SELF-INSTRUCTIONAL MANUAL
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Juvenile Sex Offenders

Although those who commit sex offenses against minors are often described as “pedophiles” or “predators” and thought of as adults, it is important to understand that a substantial portion of these offenses are committed by other minors who do not fit the image of such terms. Interest in youth who commit sexual offenses has grown in recent years, along with specialized treatment and management programs, but relatively little information about the characteristics of this group of offenders and their offenses has been available.

The National Incident-Based Reporting System (NIBRS) offers perspective on the characteristics of the juvenile sex offender population coming to the attention of law enforcement.

Key Findings:

- Juveniles account for more than one-third (35.6 percent) of those known to police to have committed sex offenses against minors;
- Juveniles who commit sex offenses against other children are more likely than adult sex offenders to offend in groups and at schools and to have more male victims and younger victims;



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Juvenile Sex Offenders (*continued*)

Key Findings:

- The number of youth coming to the attention of police for sex offenses increases sharply at age 12 and plateaus after age 14. Early adolescence is the peak age for offenses against younger children. Offenses against teenagers surge during mid to late adolescence, while offenses against victims under age 12 decline;
- A small number of juvenile offenders— one out of eight —are younger than age 12;
- Females constitute seven percent of juveniles who commit sex offenses;
- Females are found more frequently among younger youth than older youth who commit sex offenses. This group's offenses involve more multiple-victim and multiple-perpetrator episodes, and they are more likely to have victims who are family members or males; and
- Jurisdictions vary enormously in their concentration of reported juvenile sex offenders, far more so than they vary in their concentration of adult sex offenders.



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This Chapter Briefly Summarizes:

1. Applicable statutes and the Sex Offender Registry;
2. Various statewide and community resources available to victims of sexual assault; and
3. Recent trends in assessment and treatment of juvenile sexual offenders.

This chapter is not intended to be a comprehensive overview of criminal sexual behavior. For a complete treatise on the laws governing sexual assault, please refer to the MJJ's "Sexual Assault Benchbook" (2002-2009), available at:

<http://courts.michigan.gov/mji/resources/sabb/sabb.htm>.

Also, more information on the Sex Offender Registry may be found on the Michigan State Police website at:

http://www.michigan.gov/documents/SOR_TrngMan_66768_7.pdf.



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1. APPLICABLE STATUTES AND THE SEX OFFENDER REGISTRY

SEX OFFENDERS REGISTRATION ACT (ACT 295 OF 1994) MCL 28.721 *ET SEQ.*

Legislative Intent

The legislature has determined that a person who has been convicted of committing an offense covered by this act poses a potential serious menace and danger to the health, safety, morals, and welfare of the people, and particularly the children of this state.

The 1996 amendments to the Act provided for public access to printed sex offender registries. All Michigan State Police posts, sheriff's departments and local law enforcement agencies must have a Public Sex Offender Registration (PSOR) list available for public inspection during regular business hours. The PSOR list will not contain offenders adjudicated as juveniles.

Public Acts

On July 21, 2004, various amendments were made to the Sex Offenders Registration Act (SORA). These amendments have varying implementation dates.



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Public Act 239

The following crimes are not eligible for youthful trainee status:

- MCL 750.520b (criminal sexual conduct (CSC) 1st degree);
- MCL 750.520c (CSC 2nd degree);
- MCL 750.520d (CSC 3rd degree), other than 750.520d(1)(a) (with victim 13 to 16 years old);
- MCL 750.520e (CSC 4th degree), other than section 520e(1)(a), (with victim 13 to 16 years old and actor at least five years older); and
- MCL 750.520g (assault with intent to commit CSC), other than with the intent to commit a violation of sections 520d(1)(a) and 520e(1)(a), (CSC 3rd degree with victim 13 to 16 years old, and CSC 4th degree with victim 13 to 16 years old and actor at least five years older).

A court may not assign an individual to youthful trainee status if any of the following apply:

- (1) The individual was previously convicted of or adjudicated for a listed offense for which registration is required under the sex offenders;
- (2) If the individual is charged with a listed offense for which registration is required under the sex offenders registration act, the individual fails to carry the burden of proving by clear and convincing evidence that he or she is not likely to engage in further listed offenses; and



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Public Act 239 (*continued*)

A court may not assign an individual to youthful trainee status if any of the following apply:

- (3) The court determines that the offense involved any of the following:
 - (a) a factor set forth in MCL 750.520b(1)(a) to (h), (CSC 1st degree);
 - (b) a factor set forth in MCL 750.520c(1)(a) to (l), (CSC 2nd degree);
 - (c) a factor set forth in MCL 750.520d(1)(b) to (e), (CSC 3rd degree; other than with victim 13 to 16 years old); and
 - (d) a factor set forth in MCL 750.520e(1)(b) to (f), (CSC 4th degree, other than with victim 13 to 16 years old and actor at least five years older).



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PUBLIC ACT 240

Requires that after initial registration on the law enforcement registry, except for reporting a change in address within ten days after the change is made, a juvenile adjudicated of committing an offense listed in section MCL 28.728c(15)(a)-(b) when he or she was less than 17 years of age does not have to follow the continued reporting requirements until they reach age 18 and their registration is moved to the public registry.

If the juvenile fails to file a petition for exemption before age 18, or if the petition is denied by the court, the juvenile must report as required under SORA. If the adjudicated offense was CSC 1st or 2nd degree, when the juvenile reaches age 18 the registration is moved to the public registry, and the individual must report as required.

Petitions for Exemption from Registry

PA 240 allows a juvenile adjudicated of committing, attempting to commit, or conspiring to commit certain CSC crimes or assault with intent to commit a CSC crime to petition for exemption from the registry.

A juvenile is required to register with the law enforcement registry until they can file a petition at age 17 and until that petition is approved by the court.

An individual assigned to youthful trainee status is not required to register unless that status is revoked. The individual who successfully completes their probation may petition the court to reduce the number of years of registration and reporting on the public registry from 25 years to ten years. The petition must be filed after his or her 17th birthday and before his or her 20th birthday.

If court jurisdiction continues past the individual's 17th birthday, the court may order the individual off the public registry during the period jurisdiction is continued.



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PUBLIC ACT 240 (*continued*)

Petitions for Exemption from Registry (*continued*)

The petitioning individual has the burden of showing by “clear and convincing evidence” that he or she is unlikely to commit future listed offenses.

If the court grants the petition for an individual who was adjudicated as a juvenile of an offense listed in MCL 28.728c(15)(a)-(b), the individual will be immediately removed from the registry.

If the court grants the petition for an individual who was granted youthful trainee status, that individual will be required to register and report for ten years from the date of the initial registration or ten years.



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Public Act 237 and Public Act 238

PUBLIC ACT 237

PA 237 provides for the collection of a one-time, \$35 registration fee for all individuals required to register with the Sex Offender Registry. The registration fee may be collected by a court, local law enforcement agency, sheriff's department, or department post. The Michigan State Police recommends that courts NOT collect the registration fee, but rather, inform the defendants that the fee will be collected when they report to a local law enforcement agency.

PUBLIC ACT 238

Effective May 1, 2005. PA 238 provides that a photograph of each registered individual be maintained by the Michigan State Police in its computerized data base.

Public Access to the Registry

Most of the juvenile adjudications contained in the registry are not subject to public disclosure. However, registry information regarding adjudications for 1st and 2nd degree CSC become public information once the registrant reaches 18 years of age. MCL 28.728(2). The registry may be accessed via the web at: <http://michigan.gov/msp>.



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Persons Required to be Registered (MCL 28.723)

The following persons are required to register as a sex offender:

- Any person who has been convicted of a “listed offense”. See below for a summary of Michigan listed sex offenses; and
- Any person registered or required to be registered in another state or country who is residing, temporarily residing, working, or attending school in Michigan.

NOTE: “Conviction” includes assignment to youthful trainee status and entry of an order of disposition. MCL 712A.18.



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INITIAL REGISTRATION

At Time of Disposition

Prior to sentencing, entry of the order of disposition or assignment to youthful trainee status, the probation officer and/or the court shall be responsible for initial registration. The probation officer or the court must provide the registration form, explain the duty to register and to pay the registration fee, to verify his or her address, and to provide notice of address changes, and accept the completed registration for processing under MCL 28.726; MCL 28.724(5); as amended by 2004 PA 240 and 2004 PA 237.

Identification Requirements

All registered sex offenders shall maintain either a valid Michigan operator or chauffeur license or a Michigan personal identification card with a digitized photograph. The address on the card shall match the current address on the sex offender registry. This card must be used as proof of residence. Agencies may request other proof of residency, such as a voter registration card or utility bill, until the agency is satisfied that proof of residency has been established.

Length of Time for Which an Individual Must Be Registered

The registration requirement applies for 25 years following conviction, or a minimum of ten years after being released from prison, whichever is longer. If a person has been convicted of a second or subsequent conviction, regardless of when the first conviction occurred, the registration requirement is life.



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Lifetime Registration

- 1st degree criminal sexual conduct. MCL 750.520b;
- 2nd degree criminal sexual conduct, if the victim was under 13 years of age. MCL 750.520c(1)(a);
- Kidnapping, if the victim was under 14 years of age. MCL 750.350;
- Child sexually abusive activity. MCL 750.145c(2)-(3);
- An attempt or conspiracy to commit any of the above listed offenses;
- A second or subsequent “listed offense” after October 1, 1995, regardless of when any earlier “listed offense” was committed; and
- An offense substantially similar to any of the above offenses under the law of the United States, any state, any country, tribal law, or military law.



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25 Year Registration or Ten Years After Release From Prison

- Accosting, enticing, or soliciting a child for immoral purposes. MCL 750.145a;
- Accosting, enticing, or soliciting a child for immoral purposes, second offense. MCL 750.145b;
- Crimes against nature or sodomy. MCL 750.158. This does not include sexual acts with an animal, only humans, and only if a victim is less than 18 years of age;
- Soliciting and accosting, contrary to MCL 750.448, but only if child is less than 18 years of age;
- Pandering. MCL 750.455;
- Kidnapping, but only if the victim is less than 18 years of age. MCL 750.349;
- Criminal sexual conduct three or four, or assault with intent to commit criminal sexual conduct, contrary to MCL 750.520(d), (e), or (g), respectively; and
- An offense committed by a person who was, at the time of the offense, a sexually delinquent person as defined in MCL 750.10a.



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25 Year Registration or Ten Years After Release From Prison

A third or subsequent offense of any combination of the following:

- Disorderly person (indecent or obscene conduct) or local ordinances substantially corresponding to this behavior. MCL 750.167(1)(f);
- Indecent exposure or local ordinances substantially corresponding to this behavior. MCL 750.335a;
- A violation of state law or a local ordinance that by its nature constitutes a sexual offense against a person less than 18 years of age; and
- An offense substantially similar to any of the above offenses under the law of the United States, any state, any country, tribal law, or military law.

The following offenses are not registerable if the offender was adjudicated as a juvenile:

- Gross Indecency Between Male Persons.
- Gross Indecency Between Female Persons.
- Gross Indecency Between Male and Female Persons.



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Yearly or Quarterly Verification of Domicile or Residence

Continued reporting requirements do not apply to “an individual convicted as a juvenile of committing an offense described in [MCL 28.728c(15)(a) or (b)] committed by the individual when he or she was less than 17 years of age,

except that the individual shall report a change in his or her residence within this state or to another state as provided in this section within ten days after the change of residence is made. If the individual fails to file a petition under [MCL

28.728(c)] before he or she becomes 18 years of age, or if his or her petition is denied by the court, the individual shall report as otherwise required under this section.” MCL 28.725a(5), as amended by 2004 PA 240.

PUBLIC ACT 132

2005 PA 132 amended MCL 28.729(2) to prescribe penalties for a second, third, or subsequent offense of failure to comply with SORA's reporting requirements.

Registrants who fail to report in person to a law enforcement agency, either annually or quarterly depending on their offense, for verification of domicile or residence are subject to further incarceration and fines.



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2. VARIOUS STATEWIDE AND COMMUNITY RESOURCES AVAILABLE TO VICTIMS OF SEXUAL ASSAULT.

Statewide Agencies That Address Sexual Assault

The most effective response to sexual violence, like domestic violence, is a coordinated community response, in which the court's efforts are part of a continuum of services offered by both the justice system and social services communities.

Michigan Domestic Violence Prevention and Treatment Board (MDVPTB)

The Michigan Domestic Violence Prevention and Treatment Board is part of the Michigan Department of Human Services. The MDVPTB administers funding and conducts quality assurance monitoring for sexual assault programs providing crisis intervention, counseling, and some private nurse examiner services.

The MDVPTB also works collaboratively with other community members to promote safety for victims of domestic and sexual violence, and to hold perpetrators accountable.

The MDVPTB may be contacted at:

PO Box 30037

Lansing, MI 48909

(517) 373-8144 Phone

http://michigan.gov/dhs/0,1607,7-124-5460_7261---,00.html



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Michigan Coalition Against Domestic and Sexual Violence (MCADSV)

The Michigan Coalition Against Domestic and Sexual Violence is a private, nonprofit, statewide membership organization. MCADSV's mission is to develop and promote efforts aimed at the elimination of all domestic and sexual violence in Michigan. MCADSV program activities include providing leadership, technical assistance, training, and resources throughout Michigan to benefit domestic and sexual violence survivors.

Contact the MCADSV at:

3893 Okemos Road, Suite B2

Okemos, MI 48864

Phone: (517) 347-7000

www.mcadsv.org

Michigan Resource Center on Domestic and Sexual Violence

The Michigan Resource Center on Domestic and Sexual Violence contains a collection of books, videos, journals, and other media on domestic and sexual violence and related subjects. The services of the Resource Center are available to the general public, and its staff members will respond to telephone and electronic information requests from patrons.

The Resource Center is open Monday - Friday 8:30 am-5:00 pm, or materials can be mailed anywhere in Michigan free of charge.

Contact the Resource Center at:

3893 Okemos Road, Suite B2

Okemos, MI 48864

Phone: (517) 381-4663

resource@mcadsv.org

<http://www.resourcecenter.info/>



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Community-Based Efforts That Address Sexual Assault

Michigan sexual assault service agencies provide victims of sexual assault with help and support in surviving sexual assault. The types of services provided are not uniform statewide. However, some common services are as follows:

- 24-hour telephone crisis lines.
- Individual and group counseling.
- Transportation assistance.
- Safety planning.
- Childcare services.
- Information and education about sexual violence.
- Assistance in finding temporary or permanent housing, if needed.
- Assistance to victim's family members and friends.
- Assistance and advocacy with social service agencies.
- Assistance and advocacy with medical and other health care.
- Assistance and advocacy with the legal system.

Many MDVPTB-funded domestic violence programs could be contacted for a referral to sexual assault services in an area: http://www.michigan.gov/som/0,1607,7-192-29941_30586_240-2884--,00.html



3. ASSESSMENT AND TREATMENT OF JUVENILE SEXUAL OFFENDERS

Assessment

While the tools in use for adolescent male sexual abusers are not actuarial, they are moving in that direction as more data is collected and the instruments are refined.

Out of the community-based and residential programs that were surveyed by David L. Burton of the Smith College School for Social Work, 21 percent reported using ERASOR—the Estimated Risk of Adolescent Sexual Offender Recidivism (Worling & Curwen, 2000, 2001)—and about 31 percent reported using J-SOAP—the Juvenile Sex Offender Assessment Protocol (Prentky, Harris, Frizzell, & Righthand, 2000; Prentky & Righthand, 2003).



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The Estimated Risk of Adolescent Sexual Offender Recidivism (ERASOR) Instrument

The Estimate of Risk of Adolescent Sexual Offense Recidivism (ERASOR) is a checklist designed to assist estimating the short term risk of a sexual reoffense for youth 12–18 years of age by evaluating 25 risk factors (16 dynamic and 9 static). Estimates of the risk for future sexual offending assist with decisions regarding many critical issues:

- the level of community access;
- the timing of family reunification; and
- the delivery of specific treatment interventions.

For more information on the ERASOR instrument, or for the ERASOR checklist, contact:

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Sexual Abuse: Family Education & Treatment (SAFE-T) Program
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The Juvenile Sex Offender Assessment Protocol (J-SOAP)

The Juvenile Sex Offender Assessment Protocol-II (J-SOAP-II) is a checklist to aid in the systematic review of risk factors that have been identified in the professional literature as being associated with sexual and criminal offending. It is designed to be used with boys in the age range of 12 to 18 who have been adjudicated for sexual offenses, as well as nonadjudicated youths with a history of sexually coercive behavior. Like any scale that is intended to assess risk,

J-SOAP-II requires ongoing validation and possible revision, as more is learned about how J-SOAP-II works and about how best to assess the risk of youths who have sexually offended. The J-Soap manual may be found at: <http://www.csom.org/pubs/JSOAP.pdf>

NOTE: You should not utilize any assessment instrument without proper training.



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Treatment

Most sex offenders are managed by the justice system through a combination of methods including detention, probation, and some form of specialized treatment. (Treatment may take place while the youth is in detention, or after (s)he is released into the community, or both). About 60 percent of sex offenders in the United States (adult and juvenile) are under some form of conditional supervision in the community. Greenfeld, Sex Offenses and Offenders, p.vi (Bureau of Justice Statistics, 1997). You should become familiar with any treatment programs in your community.



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Treatment Program Components

The treatment components of sexual offender programs vary. There are, however, some consistent themes:

- accepting responsibility for behavior;
- identifying a pattern or cycle of offending;
- learning to interrupt the cycle;
- developing empathy for the victim;
- increasing the use of appropriate social skills;
- addressing one's own history of abuse;
- decreasing deviant forms of sexual arousal;
- increasing accurate sexual knowledge;
- enhancing interpersonal skills;
- improving family relationships, and
- increasing awareness of the possibility of relapse as well as learning methods to prevent this (Ertl & McNamara, 1997; Ryan, 1999; Shaw, 1999; Worling & Curwen, 2000).



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Psycho-Educational Treatment

Many programs offer psycho-educational experiences to youth in order to enhance knowledge or reduce skill deficits. Research (Knight and Sims-Knight, 2001) shows adolescent sexual abusers are not homogenous in etiology or in the areas of social skills, dating skills, sexual knowledge, etc. The research on heterogeneity of the youth supports individualized programming for youth with different needs and backgrounds so that youth receive what they need and do not participate in unnecessary or inapplicable classes.

Mental Health Evaluation

In Wasserman, Ko, & McReynolds' 2004 study of nonsexually abusive delinquents, it was revealed that 65 percent had a mental health diagnosis. This high percentage may reflect recent referral practices or decreases in community mental health beds. Whatever the causes, it is clear from such studies and clinical practice that many delinquent youth and many sexually abusive youth may have mental disorders that need assessment and treatment. Programs should therefore strongly consider having psychiatric consultation available to youth.



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Medications

The treatment of adolescent sexual abusers with antiandrogen drugs such as Lupron, Depo Provera, or Provera is controversial, but in many states, youth are retained in juvenile justice settings until the age of 21 and some of the youth who are treated with such drugs may be young adults for whom these drugs are less dangerous and protocols for giving antiandrogen drugs to are better understood by providers.

Diversity Training

Lewis (1999) has recognized the need to incorporate an understanding of cultural differences into sexual abuser treatment. Treatment programs in related areas (e.g., delinquency) that have integrated cultural differences into their treatment programs have shown success in decreasing negative behaviors and criminal charges (Botvin, Schinke, Epstein, Diaz, & Botvin, 1995).

